

**PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY**Name Allara Anthony V  
(Last) (First) (Initial)Prisoner Number K60159Institutional Address SVSP Po.Box. 1050 Soledad Calif 93901**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**Anthony Allara  
(Enter the full name of plaintiff in this action.)

vs.

A Old Folsome State PrisonSacramento County Jail

(Enter the full name of respondent(s) or jailor in this action)

Case No.                       
(To be provided by the clerk of court)**PETITION FOR A WRIT  
OF HABEAS CORPUS****Read Comments Carefully Before Filling In****When and Where to File**

You should file in the Northern District if you were convicted and sentenced in one of these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in this district if you are challenging the manner in which your sentence is being executed, such as loss of good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

If you are challenging your conviction or sentence and you were not convicted and sentenced in one of the above-named fifteen counties, your petition will likely be transferred to the United States District Court for the district in which the state court that convicted and sentenced you is located. If you are challenging the execution of your sentence and you are not in prison in one of these counties, your petition will likely be transferred to the district court for the district that includes the institution where you are confined. Habeas L.R. 2254-3(b).

WHA 530  
FILED  
JUN 19 2008  
RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

008-3027 WHA

1 Who to Name as Respondent

2 You must name the person in whose actual custody you are. This usually means the Warden or  
3 jailor. Do not name the State of California, a city, a county or the superior court of the county in which  
4 you are imprisoned or by whom you were convicted and sentenced. These are not proper  
5 respondents.

6 If you are not presently in custody pursuant to the state judgment against which you seek relief  
7 but may be subject to such custody in the future (e.g., detainees), you must name the person in whose  
8 custody you are now and the Attorney General of the state in which the judgment you seek to attack  
9 was entered.

10 A. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE

11 1. What sentence are you challenging in this petition?

- 12 (a) Name and location of court that imposed sentence (for example; Alameda  
13 County Superior Court, Oakland):

14 Sacramento Co. Superior Court, Sacramento Calif

15 Court

Location

- 16 (b) Case number, if known 98F09296

- 17 (c) Date and terms of sentence 2022 22 years

- 18 (d) Are you now in custody serving this term? (Custody means being in jail, on  
19 parole or probation, etc.) Yes ☒ No ☐

20 Where?

21 Name of Institution: Salinas Valley State Prison

22 Address: P.O. Box 1050 Soledad CA. 93960

23 2. For what crime were you given this sentence? (If your petition challenges a sentence for  
24 more than one crime, list each crime separately using Penal Code numbers if known. If you are  
25 challenging more than one sentence, you should file a different petition for each sentence.)

26 \_\_\_\_\_

27 \_\_\_\_\_

28 \_\_\_\_\_

3. Did you have any of the following?

Arraignment: Yes \_\_\_\_\_ No \_\_\_\_\_

Preliminary Hearing: Yes \_\_\_\_\_ No \_\_\_\_\_

Motion to Suppress: Yes \_\_\_\_\_ No \_\_\_\_\_

4. How did you plead?

Guilty \_\_\_\_\_ Not Guilty ☒ Nolo Contendere \_\_\_\_\_

Any other plea (specify) \_\_\_\_\_

5. If you went to trial, what kind of trial did you have?

Jury ☒ Judge alone \_\_\_\_\_ Judge alone on a transcript \_\_\_\_\_

6. Did you testify at your trial? Yes \_\_\_\_\_ No ☒

7. Did you have an attorney at the following proceedings:

(a) Arraignment Yes \_\_\_\_\_ No ☒

(b) Preliminary hearing Yes \_\_\_\_\_ No ☒

(c) Time of plea Yes \_\_\_\_\_ No ☒

(d) Trial Yes \_\_\_\_\_ No ☒

(e) Sentencing Yes \_\_\_\_\_ No ☒

(f) Appeal Yes \_\_\_\_\_ No ☒

(g) Other post-conviction proceeding Yes \_\_\_\_\_ No ☒

8. Did you appeal your conviction? Yes ☒ No \_\_\_\_\_

(a) If you did, to what court(s) did you appeal?

Court of Appeal Yes \_\_\_\_\_ No ☒

Year: 2000 Result: Two days late of file

Supreme Court of California Yes \_\_\_\_\_ No \_\_\_\_\_

Year: 2001 Result: None

Any other court Yes \_\_\_\_\_ No ☒

Year: \_\_\_\_\_ Result: \_\_\_\_\_

(b) If you appealed, were the grounds the same as those that you are raising in this

petition?

Yes ☒ No ☐

(c) Was there an opinion?

Yes ☐ No ☒

(d) Did you seek permission to file a late appeal under Rule 31(a)?

Yes ☐ No ☒

If you did, give the name of the court and the result:

\_\_\_\_\_

\_\_\_\_\_

9. Other than appeals, have you previously filed any petitions, applications or motions with respect to this conviction in any court, state or federal? Yes ☐ No ☒

[Note: If you previously filed a petition for a writ of habeas corpus in federal court that challenged the same conviction you are challenging now and if that petition was denied or dismissed with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit for an order authorizing the district court to consider this petition. You may not file a second or subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28 U.S.C. §§ 2244(b).]

(a) If you sought relief in any proceeding other than an appeal, answer the following questions for each proceeding. Attach extra paper if you need more space.

I. Name of Court: Sacramento Superior

Type of Proceeding: Jury Trial

Grounds raised (Be brief but specific): My Sister Lois Brown,

a. asked I Keep Assault by 2<sup>COs</sup> at Old Folsome-

- b. where they orderd me on hands + knees then,

c. Kicked both sides of my ribs for 5 minutes

d. Sister asked I Keep this confidential in court.

Result: Brused lung + Ribs Date of Result: No Olsen Review

II. Name of Court: \_\_\_\_\_

Type of Proceeding: \_\_\_\_\_

Grounds raised (Be brief but specific):

1 a. \_\_\_\_\_  
2 b. \_\_\_\_\_  
3 c. \_\_\_\_\_  
4 d. \_\_\_\_\_

5 Result: \_\_\_\_\_ Date of Result: \_\_\_\_\_

6 III. Name of Court: Spoke of assaults in open ct. Sac. Superior

7 Type of Proceeding: Took 5<sup>th</sup> Amendment in Jury Trial

8 Grounds raised (Be brief but specific):

9 a. Denied Change of Venue Due to 2 cell raids -  
10 b. - at Sacramento Co. Jail where both elbows were  
11 c. bent back to a fracture. Both sides of my ribs  
12 d. were Kicked by 2 CO's at Old Folsome St. Prison.

13 Result: Fractured Elbows Date of Result: No Olsen Review

14 IV. Name of Court: \_\_\_\_\_

15 Type of Proceeding: \_\_\_\_\_

16 Grounds raised (Be brief but specific):

17 a. \_\_\_\_\_  
18 b. \_\_\_\_\_  
19 c. \_\_\_\_\_  
20 d. \_\_\_\_\_

21 Result: \_\_\_\_\_ Date of Result: \_\_\_\_\_

22 (b) Is any petition, appeal or other post-conviction proceeding now pending in any court?

23 Yes \_\_\_\_\_ No ☒

24 Name and location of court: \_\_\_\_\_

25 B. GROUNDS FOR RELIEF

26 State briefly every reason that you believe you are being confined unlawfully. Give facts to  
27 support each claim. For example, what legal right or privilege were you denied? What happened?

28 Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if you

1 need more space. Answer the same questions for each claim.

2 [Note: You must present ALL your claims in your first federal habeas petition. Subsequent  
3 petitions may be dismissed without review on the merits. 28 U.S.C. §§ 2244(b); McCleskey v. Zant,  
4 499 U.S. 467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).]

5 Claim One: I phoned my sister Lois Brown She stated she would  
6 get names of 2 CO's from Warden who Kicked Ribs at Old Folsome.

7 Supporting Facts: My Sister Lois Brown can be subpoenaed to  
8 tesify my informing her to the assult Kicking my ribs  
9 on my hands & Knees for no reason after I was called to the  
10 clinic for no specific reason 2<sup>nd</sup> day ever Folsome Prison.

11 Claim Two: 2 midnight cell raids I informed the judge in open ct.  
12 Sac. Superior The first one they fractured an elbow 2<sup>nd</sup> other elbow

13 Supporting Facts: Had both casts on while going to court, yet was  
14 denighed a change of Venue so I took the 5<sup>th</sup> amendment  
15 in open court. Upon return to New Folsome They suprise  
16 transferd me to S.V.S.P. 11 months without any legal property, etc.

17 Claim Three: \_\_\_\_\_

18 \_\_\_\_\_  
19 Supporting Facts: \_\_\_\_\_  
20 \_\_\_\_\_  
21 \_\_\_\_\_  
22 \_\_\_\_\_

23 If any of these grounds was not previously presented to any other court, state briefly which  
24 grounds were not presented and why:  
25 \_\_\_\_\_  
26 \_\_\_\_\_  
27 \_\_\_\_\_  
28 \_\_\_\_\_



1 List, by name and citation only, any cases that you think are close factually to yours so that they  
2 are an example of the error you believe occurred in your case. Do not discuss the holding or reasoning  
3 of these cases:  
4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_

7 Do you have an attorney for this petition? Yes \_\_\_\_\_ No ☒

8 If you do, give the name and address of your attorney:  
9 \_\_\_\_\_

10 WHEREFORE, petitioner prays that the Court grant petitioner relief to which s/he may be entitled in  
11 this proceeding. I verify under penalty of perjury that the foregoing is true and correct.  
12

13 Executed on 6.9.08 D Allara

14 Date

Signature of Petitioner

15  
16  
17  
18  
19  
20 (Rev. 6/02)  
21  
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25  
26  
27  
28

03 03

3027



Allara

Anthony

K60159

SUSP 1050

Box

Soledad Ca 93968-1050

1/1

OFFICE OF THE CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
450 GOLDEN GATE AVENUE  
SAN FRANCISCO, CALIFORNIA 94102

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WHA

(PR)



STATE PRISON  
GENERATED MAIL

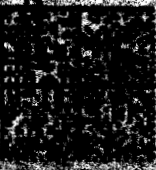
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JUN 16 2008

HARVEY WEINING  
CLERK OF COURT  
COUNTY OF SAN FRANCISCO

Office of the Clerk U.S. District Court  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, CA 94102

MAILED: K60159  
State Prison DMH-1-31



5.00  
JUN 13 2008  
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